

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Panchayats - Gram Panchayat Majeedpur – Appeal Petition filed by B. Yadi Reddy, Sarpanch, (Removed), Hayathnagar Mandal, Ranga Reddy District against the proceedings of District Collector (PW), Ranga Reddy District – Stay granted – Appeal Petition allowed – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt. No. 1185

Date:07-08-2010

Read the following:

1. From the Dist.Collector (PW), R.R Dist Lr No. 514/2008B2, (pts) dt 27-11-09.
2. Caveat petition filed by Sri T.Jagan, S/o. Anjaiah, Member Gram Panchayat, Majeedpur Gram Panchayat, Hayathnagar (M), Ranga Reddy District.
3. Appeal Petition filed by Sri.B.Yadi Reddy, S/o. Bal Reddy, Sarpanch, Gram Panchayat Majeedpura, Hayathnagar (M) Ranga Reddy District.
4. Govt Memo No. 235304/Pts.II/A2/2009-2,dt 26-12-09.
5. From the Govt. Pleader for PR, APHC,Hyd., Lr No. WP No. 27406/2009/PR & RR/09, dt 17-12-09.
6. W.P. No. 20 of 2010 dt 6-01-2010 of High Court of A.P.
7. From the Dist.Collector (PW), R.R Dist Lr No. 514/2008B, dt 7-04-2010.
8. Govt Memo No. 235304/Pts.II/A2/2009 dt 29-05-10.
9. From the Govt. Pleader for PR, A.P.H.C, Hyd. Lr No. CC No. 933 of 2010 in WP No. 20/2010/DPRR/P. Raj,dt 16-07-10.

ORDER:

In the reference 1st read above, the District Collector (PW) Ranga Reddy District has removed Sri B. Yadi Reddy from the post of Sarpanch of Majeedpur Gram Panchayat of Hayathnagar Mandal of Ranga Reddy District under section 249(1) of APPR Act, 1994 for misappropriation and misuse of Gram Panchayat funds and also issued recovery orders for Rs. 27,98,675/- u/s 265 of APPR Act,1994.

2. In the reference 2nd read above Sri T.Jagan, S/o. Anjaiah, Member Gram Panchayat, Majeedpur Gram Panchayat, Hayathnagar (M), Ranga Reddy District has filed a complaint against Sarpanch stating that he has filed a complaint before the District Panchayat Officer, Ranga Reddy District and after thorough enquiry it has found that the Sarpanch Sri.B.Yadi Reddy has committed certain financial irregularities in Gram Panchayat Administration . Therefore the DPO has restricted cheque drawing powers of Sarpanch by authorizing to counter sign through Mandal Parishad Development Officer to all the cheques issued by the Sarpanch and requested the Government before passing any ex-party orders to issue prior notice to the Petitioner.

3. Aggrieved by the orders of District Collector (PW) issued vide reference 1st read above Sri.B.Yadi Reddy, S/o. Bal Reddy, Sarpanch (Removed), Gram Panchayat Majeedpura, Hayathnagar (M) Ranga Reddy has filed an Appeal Petition before the Government requesting to suspend the operation of the orders passed by the District Collector, Ranga Reddy District.

4. In the reference 6th read above the Hon'ble High Court has directed to

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the Government to dispose of the Appeal Petition within a period of eight weeks.

5. In the reference 7th read above the District Collector (PW), Ranga Reddy District has submitted his para-wise remarks.

6. In the reference 4th read above, Government while granting stay against the Proceedings of District Collector (PW), Ranga Reddy District has requested to the District Collector (PW), Ranga Reddy district to submit his report in the matter.

7. The case was heard on 17-05-10 the Review Petitioner and his Advocate have appeared and represented that they have executed the works, which fact was not denied by the departmental officers, but could not produce the M. Books due to non-availability of P.R Engineers for check measurement of the works executed by Panchayat. Government in the reference 8th read above has instructed to the District Panchayat Officer to see that the works are got recorded by the Engineering Department immediately. Regarding charge No. 8 relating to double payment to the Contractor, the Sarpanch has stated that the excess amount has recovered from the Contractor. The case was posted for hearing on 18-06-10. Subsequently the case was posted for hearing on 22-06-10.

8. The case was again heard on 22-06-2010. During the hearing the District Panchayat Officer has been instructed to visit the village and verify the works on ground said to have been executed by the Sarpanch and send a report to Government within 15 days. The Advocate representing the Ward member is also present. He has been advised to file written statement in support of his argument against the Sarpanch for which he has agreed to. The case is again adjourned on 24-07-08. Subsequently the case was postponed to 4-08-10.

9. In the reference 8th read above the Govt. Pleader for PR has reported that Sri T. Jagan Goud has filed contempt case No.933 of 2010 against Government. Subsequently the Hon'ble High Court has posted for hearing on the contempt on 6-08-10.

10. The case was heard on 4-08-10. The Petitioner advocate has contended among other things that there is no warrant to interfere with the orders of the District Collector by the appellant authority as the order of removal was passed by Collector after explanation submitted by the Sarpanch and requested to dismiss the appeal.

11. The District Panchayat Officer, Ranga Reddy District has stated that an amount of Rs.21,221/- was remitted by the Sarpanch fund in admissible.

12. Government after careful examination of the records and after hearing both the Advocates and after going through the records, including the inspection report of the District Panchayat Officer it has consider that had the officers drafted the charges against Sarpanch after due verification, the extreme action of removing the Sarpanch by Collector would not have happened. It is seen that the Sarpanch has incurred expenditure genuinely on the works as evidenced from the report of the District Panchayat Officer and also found that there are some procedural lapses on the part of the Sarpanch which can be ratified following the due procedure. As such the orders of the District Collector (PW), Ranga Reddy issued vide reference 1st read above are hereby set aside duly allowing the appeal petition filed by the Sarpanch. The Sarpanch is hereby warned that to be more careful in future while incurring the expenditure.

13. The District Collector (PW), Ranga Reddy district is directed to restricted cheque drawing powers of the Sarpanch by imposing the Joint signature.

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14. The District Collector (PW), Ranga Reddy District is requested to take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The District Collector (PW), Ranga Reddy District (w.e.).

Copy to:

The District Panchayat Officer, Ranga Reddy District.

The Commissioner Panchayat Raj & Rural Employment, Hyderabad.

O.S.D., to M(PR)

Sri.B. Yadi Reddy, Sarpanch (Removed), Majeedpur Gram Panchayat,
Hayathnagar Mandal, Ranga Reddy District.

Sri T.Jagan, S/o. Anjaiah, Member Gram Panchayat, Majeedpur Gram Panchayat,
Hayathnagar (M), Ranga Reddy District.

The Govt. Pleader for PR & RD, A.P. High Court, Hyderabad.

(with reference to CCNo.933 of 2010)

SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER